

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

CHRISTIAN HEALTHCARE CENTERS,  
INC.,

Plaintiff,

No. 1:22-cv-00787

v.

HON. JANE M. BECKERING

MAG. PHILLIP J. GREEN

DANA NESSEL, in her official  
capacity Attorney General of Michigan,  
JOHN E. JOHNSON, JR., in his official  
capacity as Executive Director of the  
Michigan Department of Civil Rights,  
PORTIA L. ROBERSON, ZENNA FARAJ  
ELHASON, GLORIA E. LARA, REGINA  
GASCO-BENTLEY, ANUPAMA  
KOSARAJU, RICHARD CORRIVEAU,  
and DAVID WORTHAMS, in their official  
capacities as members of the Michigan  
Civil Rights Commission,

**DEFENDANTS' MOTION TO  
DISMISS PURSUANT TO FRCP  
12(B)(1) AND (6)**

Defendants.

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**DEFENDANTS' MOTION TO DISMISS  
PURSUANT TO FRCP 12(B)(1) AND (6)**

Defendants, through counsel and under Fed. R. Civ. P. 12(b)(1), move this Court to dismiss Plaintiff Christian Healthcare Centers (Plaintiff or Christian Healthcare) complaint. Defendants state in support:

1. Plaintiff's complaint should be dismissed because its claims are premature and thus not ripe for judicial review. Plaintiff's allegations are based on speculation and insufficient to maintain its claims.
2. Plaintiff also lacks standing where it cannot establish the requisite injury-in-fact to supports its claims.
3. This Court should abstain from deciding Plaintiff's Due Process Clause challenge where the appropriate state entities have not yet made any findings on the nature of Michigan's religious exemption as applied to public accommodations.
4. This Court should decline to issue declaratory relief where there is no actual controversy, there is no necessity to clarify the legal relations of the parties, and the issue of the scope of religious exemptions for public accommodations has not yet been determined by any Michigan agency or court.

5. The Court should decline to issue permanent injunctive relief where Plaintiff fails to show a continuing irreparable injury or that it lacks an adequate remedy at law. Further, no injunction is required where any declaration of unconstitutionality would put Defendants on notice regarding the unconstitutionality of the challenged statute.

6. For these reasons and the reasons stated more fully in the accompanying brief in support, Defendants respectfully request that this Honorable Court enter an order dismissing Plaintiff's complaint pursuant to Fed. R. Civ. P. 12(b)(1), in addition to any other relief this court deems just and equitable.

7. Pursuant to W.D. Mich. L.R. 7.1(d), counsel for Defendants contacted counsel for Plaintiff via email on November 2, 2022, to seek concurrence which was denied.

WHEREFORE, Defendants ask this Court to dismiss Plaintiff's complaint in its entirety.

Respectfully submitted,

/s/Tonya C. Jeter

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Dated: November 18, 2022

**CERTIFICATE OF SERVICE**

I hereby certify that on November 18, 2022, I electronically filed the foregoing document(s) with the Clerk of the Court using the ECF System, which will provide electronic notice to the parties.

/s/Tonya C. Jeter

Tonya C. Jeter (P55352)  
Assistant Attorney General